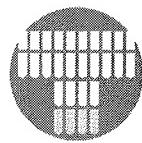


In The Matter Of:
Clinton Henderson, et al. v.
1400 Northside Drive, Inc., et al.

Clinton Henderson
August 22, 2014

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF GEORGIA
3 ATLANTA DIVISION

4 CLINTON HENDERSON and ANDREW)
5 OLINDE, individually and on)
6 behalf of all other similarly)
7 situated individuals,)
8) CIVIL ACTION FILE NO.:
9) 1:13-CV-3767-TWT
10 Plaintiffs,)
11)
12 vs.)
13)
14 1400 NORTHSIDE DRIVE, INC.)
15 d/b/a SWINGING RICHARDS, AND)
16 C.B. JONES,)
17)
18 Defendants.)
19 - - -
20

21 Videotaped deposition of CLINTON
22 HENDERSON, taken on behalf of the Defendants,
23 pursuant to the stipulations agreed to herein,
24 before Alice S. Davis, Certified Court
25 Reporter and Notary Public, at Schulten, Ward
 & Turner, LLP, 260 Peachtree Street, Suite
 2700, Atlanta, Georgia, on the 22nd day of
 August 2014, commencing at the hour of
 9:00 a.m.

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18 Also Present: Justin Stewart, Videographer

19 - - -
20

21 THE VIDEOGRAPHER: We are on the video
22 record.

23 MR. SCHLANGER: This is the deposition of
24 Clint Henderson. It's taken pursuant to Notice
25 and agreement of counsel.

1 Would you, please, swear the witness.

2 CLINTON HENDERSON,

3 having been first duly sworn, was examined and
4 testified as follows:

5 EXAMINATION

6 BY MR. SCHLANGER:

7 Q Please state your name.

8 A Clinton Jack Henderson.

9 Q Mr. Henderson, have you ever had your
10 deposition taken before?

11 A No, sir.

12 Q I'm presuming that your attorneys have
13 spoken to you about what a deposition is; right?

14 A Yes.

15 Q Let me just give you a couple ground rules
16 so we're all on the same page; all right? First is
17 you have to answer orally so that the court reporter
18 can take it down; okay?

19 A Okay.

20 Q Second is this is just like courtroom
21 testimony. You're under oath, except that there's no
22 judge here. So your attorneys get a chance to object
23 to any questions that I ask, so pause before you
24 answer to give them a chance to interpose any
25 objection; okay?

1 A Okay.

2 Q Third, if for any reason you don't
3 understand what I've asked, either because I mumble or
4 speak too softly or what I ask is ambiguous or
5 unintelligible, let me know, and I will try to
6 rephrase it for you; okay?

7 A Okay.

8 Q Mr. Henderson, what is your educational
9 background?

10 A I just graduated from college May of 2014.

11 Q With a degree in what?

12 A Integrative studies.

13 Q What is integrative studies?

14 A Integrative studies.

15 Q What is that?

16 A It's a fancy way of saying general studies.

17 Q Where did you graduate from?

18 A University of North Texas.

19 Q And where did you grow up?

20 A Dallas, Texas.

21 Q Can you, please, give me from the time you,
22 let's say, graduated from high school, what your work
23 history has been.

24 A Work history from high school has been
25 waiting tables off and on from different jobs. I

1 worked at GNC for maybe a year and a half when I was
2 at school at Oklahoma University. I then went back to
3 North Texas, or Dallas, Texas, where I started waiting
4 tables again or continued to wait tables, and then I
5 started dancing at about age 22.

6 Q What year was that?

7 A That was about 11 years ago, so 14 minus 11,
8 2003.

9 Q Have you had any other work history?

10 A Since then I go-go danced for maybe four or
11 five years there and also did a little bartending on
12 the side; and then, about age 26, 27, I moved to
13 Atlanta and started entertaining at Richards.

14 Q Tell me so I don't have to do the
15 subtraction, what year did you start at Richards?

16 A I want to say we're going up on eight years
17 this October, so

18 Q About 2006?

19 A 2006 roughly, yeah. I'm not sure on the
20 exact dates, but yeah.

21 Q In the last ten years, have you had any work
22 experience outside of the adult-entertainment
23 industry?

24 A Recently I started working at Ed Voyles
25 Honda as a car salesman. Since January 15th was my

1 start date.

2 Q And what other adult clubs have you worked
3 at?

4 A Adult clubs, do you want me to list the
5 names?

6 Q Yes, please, and tell me where they are.

7 A Male Boxx, M-a-l-e B-o-x-x, was the first
8 one.

9 Q Where is that?

10 A In Dallas, Texas. Then there was Zippers,
11 which was in Dallas, Texas, and then there was Crews
12 Inn, C-r-e-w-s I-n-n. And then there, off and on I
13 would go to various clubs for a weekend. I did a New
14 Orleans trip one time at a bar called Oz, O-z. That
15 was before I came here. That was maybe one weekend
16 for Southern Decadence, a celebration down there.

17 I went to Austin one time, did a weekend
18 there. I think the bar was called -- I can't remember
19 the name.

20 Q And in Atlanta, which clubs have you worked
21 at?

22 A I have worked at Swinging Richards and a bar
23 called BJ Roosters.

24 Q When did you work at BJ Roosters?

25 A It was probably halfway through working at

1 Richards, maybe 2010, 2009 maybe. Time goes by so
2 fast. It could have been eight. I don't remember the
3 exact dates. It was a couple-month thing over there.

4 Q What made you take up being an adult
5 entertainer?

6 A Well, because of the easy money was the
7 initial reason.

8 Q What's kept you in it?

9 A The easy money.

10 Q Any other reasons?

11 A No.

12 Q From your point of view, what's involved in
13 being an adult entertainer?

14 A Being an adult entertainer involves getting
15 on stage or a box, depending on where you're at, and
16 dancing, moving around, and getting tips.

17 Q That's it?

18 A What else is involved? Well, other than
19 dancing on stage, you walk around. At other bars you
20 don't get to do what you can do at Richards. You have
21 to stay on the box the whole time. So at Richards you
22 get to walk around and mingle with the crowd and
23 perform lap dances.

24 Q Table dances?

25 A Table dances.

1 Q And how do you get a table dance?

2 A To get a table dance, there's numerous ways.
3 If you're on stage, somebody can come up to you and
4 ask you for a dance, Hey, I'd like a dance over here
5 when you get off, or my friend, it's their birthday,
6 can you come give them a dance, or they saw you last
7 time, can you come back and see us. Or initially you
8 can say, Hey, would you like a dance.

9 Q This is when you're walking around the club?

10 A Sometimes it's done a little bit on stage,
11 but typically you don't get a lot of that. That's
12 very minor, somebody asking you. I get asked when I'm
13 on stage, can you do a dance for me. Very rarely do
14 we ask for a dance on stage.

15 Now, what I do as a dancer is just try to
16 remember who comes and tips me and then walk around
17 the room, go up and introduce myself, thank you for
18 the tip. It's an easier sales pitch for me to go up
19 to them and say thank you, where are you guys from, a
20 little small talk, would you like a dance.

21 Q So the stage rotation that you do is kind of
22 like advertising you to see who is interested in doing
23 table dances; right?

24 A In a sense.

25 Q It puts you out there, let's people see you?

1 A Yes.

2 Q Now, your primary duty as an entertainer is
3 to entertain the customers; right?

4 A Yes.

5 Q But your primary goal is to make some money;
6 right?

7 A That's the primary goal, yes.

8 Q Even though you might make some tips on
9 stage, the real money is in the table dances and the
10 VIP rooms; right?

11 A It depends. Some dancers do very well on
12 stage, just stage performances. Typically 20 to 40
13 bucks, it would be a good stage set. Some people only
14 get five bucks, but yes, most of the money is table
15 dances. Some people make more money in VIP, less
16 money on the stage. It just depends, but the bulk of
17 the money comes from lap dances in VIP. Yes.

18 Q And most of my experience in terms of
19 talking to entertainers in the adult industry has come
20 from the clubs with girl performers.

21 A Okay.

22 Q I'm just going to try to explore how it may
23 be the same or different in Richards. The primary
24 audience in Richards, the target audience, is gay
25 males; right?

1 A That's the primary, yes.

2 Q Is it important from your point of view as
3 an entertainer and with your goal of trying to make
4 some money to establish some kind of rapport with the
5 customers?

6 A Rarely; it just depends. Sometimes you
7 don't have to establish any rapport at all. It's just
8 a, Hey, how are you doing, would you like a dance,
9 give them a dance and move on.

10 Sometimes, on a slower night, you have to
11 sit there and speak with them and get to know them,
12 because it's hard just to give a dance, especially if
13 they didn't come give you a tip. The ones that give
14 you a tip, you know are interested.

15 Q And when you sit and talk to a customer,
16 what do you talk about?

17 A What do you talk about? First time here?
18 What's your name?

19 Q What do you do?

20 A Usually what do you do.

21 Q I guess what I'm saying is, do you try to
22 act interested in what they do and who they are?

23 A Yes. You wouldn't get a tip if you act
24 disinterested, so yes. I call it being nice.

25 Q All right. And is it sometimes hard or

1 difficult to be interested, or be nice in your phrase,
2 to some of these customers?

3 A I wouldn't say it's hard to be nice. It
4 just depends on what they say. If they want to skip
5 the nice conversation and move to other conversations,
6 it's a little harder.

7 Q But you have to read each customer to figure
8 out, make sure what they want and how they are going
9 to react to what you're talking about and what you're
10 doing; right?

11 A Yes.

12 Q And each one wants something a little
13 different from you in terms of how you act and what
14 you present and all that?

15 A I would say very few are different on that.
16 Most people just want a dance. Some people try to get
17 to know you a little bit more and try to maybe
18 establish a relationship, but we try to keep it
19 simple.

20 Q I'm trying to figure out, you know, I have
21 this image of a middle-aged, potbellied guy -- comes
22 from watching in the female clubs -- the middle-aged,
23 half-drunk, potbellied guy thinking that somehow he is
24 really fascinating to this 20-something-year-old
25 decent looking young lady who's sitting there with

1 him. Is there an equivalent kind of thing that
2 happens in Richards?

3 A I would say so. I won't say how it could be
4 any different. We have all shapes and sizes come in
5 there, so it's not always the potbelly.

6 Q Yeah; I understand that. But I guess my
7 question is: Is the creation of a mood or a fantasy
8 or whatever you want to call it part of the experience
9 that you're trying to give them at Richards?

10 A I just go there and dance. I don't know
11 anything about fantasies.

12 Q Okay. How do you convince somebody to have
13 a session back in the VIP room?

14 A How do you convince them? Well, I don't
15 really do any convincing. I'm a little different
16 breed when it comes to dancing, because I don't really
17 like to go back there. They typically ask me what do
18 you do in VIP, and I tell them it's a little more
19 intimate dance, and then they can decide if they want
20 to go back there or not. I don't try to convince
21 anybody to really go back there.

22 I do most of my money from lap dances, which
23 is required a little bit of talking. I can't speak
24 for everybody, though.

25 Q How many lap dances per night that you work

1 do you average?

2 A It depends on the night. Weekdays it could
3 be anywhere from as little as three to maximum fifteen
4 on a real good night. Weekends, it's hard to judge.
5 How many lap dances could I do? Twenty, twenty lap
6 dances, thirty lap dances. It just depends.

7 Q You're calling them lap dances, but they're
8 the table dances?

9 A Table dances, yeah. I apologize, table
10 dances.

11 Q That's all right. Just making sure we're
12 using the same vocabulary.

13 A Yeah, table dances.

14 Q A table dance lasts anywhere from three to
15 five minutes; right?

16 A I would say three to four. Five minutes
17 would be a little long.

18 Q It's one song?

19 A One song. I think the DJ tries to keep the
20 songs around the same time so other table dances
21 aren't longer or shorter. They just try to keep
22 them -- I don't know if he literally cuts out the
23 song, or most songs are probably three to four
24 minutes, could be five.

25 Q When you go on stage, you do a set of three

1 songs; right?

2 A Yes, sir.

3 Q And how often per night do you do a stage
4 rotation?

5 A I would say maybe five, five different times
6 up on stage.

7 Q So a total of about an hour?

8 A Yeah. If you do 15 minutes, yeah, I would
9 say a good

10 Q Let me show you what I've marked Defendants'
11 Exhibit 1.

12 BY MR. SCHLANGER:

13 Q Do you recognize this from the tables at
14 Richards?

15 A I do.

16 Q Can you tell what it is?

17 MR. LUKAS: Do you have a copy for me here?

18 MR. SCHLANGER: Yes, as a matter of fact, I
19 do.

20 MR. LUKAS: Excellent. This is six?

21 MR. SCHLANGER: One.

22 MR. LUKAS: I thought we were going to go
23 consecutively.

24 MR. SCHLANGER: Oh, because we used the
25 others?

1 MR. LUKAS: Yeah.

2 MR. SCHLANGER: No. I was going to say
3 defendants are consecutive and plaintiffs are
4 consecutive.

5 MR. LUKAS: Okay. That's fine.

6 BY MR. SCHLANGER:

7 Q Can you describe what that is then?

8 A It is a sign that's on the wall.

9 Q No. This is the one from the table.

10 A Oh, okay. This would be one from the table.
11 They look very similar. The one from the table looks
12 like a mini-sign that's on the tables, most or all the
13 tables around the club.

14 Q What information does it convey to the
15 customer?

16 A It conveys there's a VIP lounge and the
17 entrance fee is \$10 to enter. There's a VIP room
18 rental. For 15 minutes, it's 40 bucks. For 30
19 minutes it's 65. For 60 minutes it's 125. So that
20 looks like a VIP rental fee. And then table dances
21 in VIP lounge are \$20. Table dances on main floor are
22 \$10.

23 Q Okay. Now, the \$10 per dancer for table
24 dances on the main floor, that's a minimum fee; right?

25 A Yes.

1 Q You could ask for more than \$10; right?

2 A You can.

3 Q And you can get more than \$10.

4 A Yes.

5 Q And the VIP lounge, the minimum is \$20;
6 right?

7 A That's correct.

8 Q And you can ask for more than 20; right?

9 A Yes.

10 Q And you could get more than 20?

11 A You could.

12 Q But you're not allowed to ask for less than
13 20; right?

14 A You know, you're not allowed to. I would
15 say no. I would disagree with that.

16 Q Okay. Tell me what you

17 A I've heard people saying, you know, Hey,
18 it's a slow night, I'll do one for five; very rarely.
19 Why would you want to take five when you can get ten,
20 but 99 percent of the time, this is accurate.

21 Q And so it's \$10 is the minimum set for table
22 dances on the main floor and 20 in the VIP room?

23 A Yes, sir.

24 BY MR. SCHLANGER:

25 Q Let me show you Exhibit 2. Do you recognize

1 that?

2 A I do.

3 Q And what is it?

4 A That looks like the sign on the wall.

5 Q By the VIP room?

6 A Yes, sir.

7 Q That's it; okay. And am I correct that this
8 describes the rates that are charged as minimums for
9 the VIP room?

10 A Yes, sir.

11 Q So for one session up to 15 minutes, it's
12 \$40 is the room rental plus the dancer fee; right?

13 A Yes, sir.

14 Q And it indicates at the bottom that the
15 dancer charges a minimum of a hundred dollars per up
16 to 15 minutes; right?

17 A Uh-huh (affirmative).

18 Q And are those minimums adhered to?

19 A Yes.

20 Q Explain to me how the payments are made for
21 a VIP-room visit.

22 A Well, now, people come up after you've
23 agreed on a VIP room, and we walk usually together to
24 the VIP door worker, and he asks how much time and
25 tells you the price, tells me or tells them, and then

1 says how much it is.

2 Q And then how does it get paid for?

3 A From the customer.

4 Q And he pays it to the doorman, to the VIP
5 door?

6 A Yes. It's either to him or to us, and then
7 we give it to him. It ends up in his hands.

8 Q Now, I've heard that dancers often negotiate
9 for more than a hundred dollars per 15 minutes; is
10 that correct?

11 A I can't speak for other dancers.

12 Q Do you?

13 A Do I, no.

14 Q Do you do it for less than a hundred
15 dollars?

16 A No.

17 MR. SELANDER: Just one second. Can we go
18 off the record for a minute?

19 MR. SCHLANGER: Sure.

20 THE VIDEOGRAPHER: We're off video.

21 (Brief off-the-record discussion.)

22 THE VIDEOGRAPHER: We are back on video.

23 BY MR. SCHLANGER:

24 Q Mr. Henderson, let me hand you Exhibit 3.
25 Do you recognize that?

1 A Yes.

2 Q Can you tell me what it is, please.

3 A Well, I'm trying to look it over.

4 Q Yeah; take your time.

5 A I wouldn't know how to describe what this

6 is. You probably know the technical term.

7 Q Well, it's titled Agreement; right?

8 A Okay.

9 Q Did you sign this Agreement? Did you agree

10 to the terms?

11 A Yes.

12 Q And you did that in July of 2012?

13 A Yes, apparently.

14 Q Each year you have been working at Richards,

15 have you gotten a form 1099 that shows some payments

16 to you?

17 A Yes.

18 Q What did you understand those payments ...?

19 A Where they came from?

20 Q Yeah.

21 A I understood where those came from were for

22 VIP payments of credit cards.

23 Q In other words, the hundred dollars per

24 session that were put on a credit card?

25 A Allotted up over the year.

1 Q Right. And then were paid to you by check?

2 MR. SELANDER: Let him finish his question.

3 BY MR. SCHLANGER:

4 Q That was what was then paid to you by a
5 check each day?

6 A Well, yes, that was paid to me the next week
7 after it got processed.

8 Q Describe, walk me through how you get the
9 credit card charges paid to you or how you put in for
10 them and how they pay you for them.

11 A How you put in for them?

12 Q You go spend, let's say, one session in the
13 VIP room.

14 A Uh-huh (affirmative).

15 Q The customer puts it on his credit card.
16 You're expecting to get some money back for that?

17 A Correct.

18 Q How do you get that money?

19 A Well, usually it's on the weekend typically
20 when I do a room. The next week I get a check. I
21 pick it up from the door.

22 Q But how do you tell them: Yeah, I've been
23 in the VIP room. I want my money.

24 A You don't tell them that. When we do a VIP,
25 it's put into the computer. If it's cash, they give

1 you the cash at the end of the night, you're paid by
2 the end of the night. If it's a credit card, it's
3 just been known -- I don't know -- it's just been
4 known since I started working there that you get paid
5 in a check from that. For the next week, you go in
6 and you say: I did a VIP last week. I want my check,
7 or where's my check.

8 Q And it's waiting for you?

9 A Typically, it's waiting for you.

10 Q Something I forgot to ask you: On
11 Exhibits 1 and 2, the two signs that are posted, one
12 on the table and one in the VIP room, have similar
13 signs conveying the same kind of information been in
14 the club since, let's say, 2010, the last three, four
15 years?

16 A Yeah.

17 Q Tell me what you understand the phrase
18 "tip-out" to mean.

19 A Tip-out is a fee that we have to pay in
20 order to work there, tip out to different people.

21 Q And tell me what the fees are that you can
22 recall.

23 A The fees that I can recall are five bucks to
24 the doorman during the week, six on the weekends, I
25 believe. On nights that it's busier, which would be

1 Tuesday, Friday, and Saturday, there would be a
2 security guard, so we would tip-out three bucks to
3 security, or the bouncer. The rest of the money would
4 go to Matt, the manager/DJ.

5 Q What do you mean the rest of the money?

6 A The rest of the tip-out.

7 Q How much was the tip-out?

8 A The tip-out would vary. There was a set
9 tip-out of \$20 if you were late. A late fee would
10 consist of before 8:00 o'clock is no late charge, no
11 late fee. From 8:00 to 9:00 was \$10, and from 9:00 to
12 10:00 was \$20. They said you couldn't work after
13 10:00 o'clock. The other fee would be a \$20 house
14 fee, which what I assume would go to the owner and
15 then 10 percent of what we made to the DJ.

16 Q And since -- It sounds like the late fees
17 were to encourage people to show up earlier; right?

18 A Yes.

19 Q When a customer gets a table dance, that's
20 paid for in cash; right?

21 A Yes.

22 Q And at the end of the night when you're
23 reporting in your 10 percent to the DJ, do you report
24 the amounts you got on table dances?

25 A Yes.

1 Q And do you keep track of the amounts you
2 received in cash?

3 A Would you know how much you made at the end
4 of the night?

5 Q Yes.

6 A Yes.

7 Q Do you keep a record of that?

8 A A record as in write it down?

9 Q Yeah.

10 A No.

11 Q How do you know how much to report on your
12 tax return?

13 A It's a guess. It's a guesstimation.

14 Q You don't have a diary or anything that you
15 keep any kind of running record on?

16 A That's correct.

17 Q How much do you estimate, how do you
18 estimate for, let's say, purposes of the tax return,
19 how much you made in cash?

20 MR. SELANDER: Objection. I'm wondering
21 where this is going in terms of the scope of
22 discovery in this case.

23 MR. SCHLANGER: How much was earned from
24 table dances?

25 MR. SELANDER: What does that have to do

1 with a creative professional defense or whether a
2 defendant's offset ...?

3 MR. SCHLANGER: I think it's fairly obvious.
4 Please answer the question.

5 MR. SELANDER: You can answer.

6 A Okay. Can you repeat it.

7 MR. SCHLANGER: Would you, please, read it
8 back.

9 (Readback by the court reporter.)

10 A How do you estimate?

11 BY MR. SCHLANGER:

12 Q Yeah. How do you come up with your estimate
13 for tax returns?

14 A A combination of the 1099 that we receive
15 and then an estimation of how much you make a week,
16 and that's how you come up with it.

17 Q And is that in part based on how many table
18 dances you do, the estimate?

19 A It's a combination of three things.

20 Q Tell me.

21 A Stage performances, lap dances, and VIP.

22 Q Okay. And most of the VIPs are on credit
23 cards; right?

24 A Not at all. A lot of them are cash as well.
25 It's half and half. I mean, some people pay with cash

1 to save money because there's a fee that the club
2 charges to use a credit card.

3 Q And how do you estimate, in trying to figure
4 out what numbers to use, how many table dances --
5 What's your estimate of your table dances?

6 A What is my estimate of table dances?

7 Q Yeah.

8 MR. SELANDER: Objection; vague. Go ahead.

9 If you know what he is asking, go ahead.

10 A For the year or for the week?

11 BY MR. SCHLANGER:

12 Q Well, however you estimate them. You're
13 saying you use them in part to estimate how much you
14 made.

15 A I don't really keep up with that. I don't
16 keep up with how I make the money. I just take the
17 money and then move on with that. You don't try to
18 depict -- I'm not worried about how many lap dances I
19 did, how many VIPs I did, what did I make on stage.
20 You just go in there, you work, you get tips for all
21 of it, and at the end of the night, you have what you
22 made for the night. I don't keep up with how many lap
23 dances I did.

24 Q A couple of minutes ago when I asked you a
25 question about how you come up at the end of the year

1 with a number to put on your tax returns, for
2 instance, you said you estimated, and you gave me
3 three factors that go into the estimate, one of which
4 was table dances. What I'm asking is what that
5 estimate for table dances for the year is. How do you
6 arrive at that?

7 MR. SELANDER: Objection; asked and
8 answered.

9 A If I were to have to think about it, I would
10 estimate that on an average night, I do ten dances a
11 night. The thing about it is that every night is
12 different. It's not a come in and work 40 hours a
13 week.

14 In car sales, you sell a car, you make a
15 commission on that car. Each car is different, so
16 over a month's span, it can be different from month to
17 month, so over the year you have a monthly of what you
18 make.

19 In dancing, it's the same kind of thing.
20 There are so many ways to make money it's hard to keep
21 up with that. So if I had to estimate, I would say
22 ten dances.

23 Q Per night?

24 A Yes.

25 Q Now, at Richards, each dancer decides which

1 nights he wants to work; right?

2 A Yes.

3 Q You're not required to be there any certain
4 number of nights; correct?

5 A Well, there used to be a requirement. You'd
6 have to work one day during the week to work the
7 weekends.

8 Q When was that a requirement?

9 A That was for as long as I've known. They
10 stopped enforcing that probably a year ago, but ever
11 since I've worked there, Matt, the manager, didn't
12 want you just working the weekends because then nobody
13 would work during the week. So he would require you
14 to work one weekday to work on the weekend, at least
15 one week day to work a weekend night.

16 Q Okay. But it was your choice which one?

17 A It was our choice which one, but he required
18 us to work at least three nights a week.

19 Q And most of the dancers wanted to work
20 Friday and Saturday; right?

21 A Most, yes, unless they had something else to
22 do. That's typically more money.

23 Q Those are the busy nights?

24 A Yes, sir.

25 Q And each entertainer decides the time at

1 which they're going to come to work; right?

2 A Yes.

3 Q Understanding that you have to pay more to
4 the house if you wind up coming in later?

5 A Yes.

6 MR. SELANDER: Objection; calls for
7 speculation. You can answer as to yourself.

8 A Yes.

9 BY MR. SCHLANGER:

10 Q Other than the fact that the club says you
11 can't come to work after 10 o'clock, there's no
12 requirement that you be there by a certain time;
13 right?

14 MR. SELANDER: Objection; vague, confusing.

15 A Go ahead.

16 A The requirement, you said there is no
17 requirement. Can you repeat it one more time.

18 BY MR. SCHLANGER:

19 Q Yeah. You can come any time up until the
20 cutoff, up until 10:00 o'clock; right?

21 A I think the club opens at 5:00 or 6:00, so
22 any time after opening to 10:00 o'clock.

23 Q Yeah. What I'm trying to get to is it's
24 your choice what time?

25 A Yes.

1 Q Okay. A couple of things on your background
2 again I was reminded by my co-counsel. Where are you
3 living?

4 A I live in Vinings, Georgia.

5 Q And how long have you been living there?

6 A I want to say this December will be two
7 years.

8 Q Before that you were where?

9 A Atlantic Station.

10 Q Okay. All right. So you have been in
11 Atlanta for a while?

12 A As long as I have worked at Richards, seven
13 and a half years approximately.

14 Q Ever been arrested?

15 A I have.

16 Q When?

17 A Maybe a year after I got here.

18 Q For what?

19 A It was a drug charge.

20 Q Where?

21 A Doraville, City of Doraville, DeKalb County.

22 Q What was the resolution of that?

23 A The resolution was expunged.

24 Q Any other arrests?

25 A No, sir.

1 Q Mr. Henderson, what's your sexual
2 orientation?

3 MR. SELANDER: Objection. Where are you
4 going with this?

5 MR. SCHLANGER: Background.

6 MR. SELANDER: You can answer. Go ahead;
7 it's okay.

8 A Straight.

9 BY MR. SCHLANGER:

10 Q Okay. The minimum charges that are shown on
11 Exhibits 1 and 2 for the table dances and for the VIP
12 room and for the dancer time in the VIP room, those
13 are set by the club; right?

14 A They are set by the club, yes.

15 Q And I think you testified that you don't,
16 that you always try to get at least the minimum that's
17 set by the club; right?

18 A For the VIP room, yes. I won't go back
19 there for less than what Most people will pay
20 that. They don't have a problem with that. It's not
21 like a fight to get the minimum.

22 Q And you're told by the manager that the
23 table dances are those minimum amounts; right?

24 A Yes.

25 Q And you're supposed to charge at least that;

1 right?

2 A Yes.

3 Q Do you?

4 A Yes.

5 MR. SCHLANGER: Let's take a short break;
6 okay?

7 THE VIDEOGRAPHER: We're off video.

8 (Break from 9:45 to 9:52.)

9 THE VIDEOGRAPHER: We're back on video.

10 BY MR. SCHLANGER:

11 Q Mr. Henderson, my co-counsel has asked me to
12 go through one subject that I thought we cleared up
13 but she wasn't certain. So let me go through it just
14 one more time very quickly with you. Payments in the
15 VIP room, for the VIP room sessions, you and the
16 customer walk up to the VIP-room entrance guy, the guy
17 who is standing there?

18 A Yes.

19 Q And let's go through a cash VIP-room
20 payment; okay. He pays the room fee for however long
21 the session is going to be plus the amount that you've
22 agreed on for the dancer fee; right? He gives that in
23 cash to the guy at the door; right?

24 A Yes.

25 Q And then later in the evening, the guy at

1 the door gives you back the dancer fee in cash; right?

2 MR. SELANDER: Objection. Go ahead.

3 A The amount that he tipped me, yes.

4 BY MR. SCHLANGER:

5 Q Well, whether it's a tip or not is one of
6 the arguments we're having in the case, but the fee
7 that the dancer earned that was agreed on, he then
8 gives you back in cash; right?

9 MR. SELANDER: Objection. Go ahead.

10 A Yes.

11 BY MR. SCHLANGER:

12 Q I tried to look through the daily sheets,
13 and it looks like you average maybe three to four days
14 a week; is that correct? Would that square with your
15 recollection?

16 A Since I've worked there, yes. How far are
17 we going back?

18 Q Let's talk about just since the last part of
19 2011.

20 A Okay.

21 Q So we're talking the last three and a half
22 years?

23 A Yeah. I would say three days a week.

24 Q And it looks like you average maybe one VIP
25 room every one to two days. Is that about right,

1 every one to two days that you work?

2 A It's hard to tell. It could be one to five.

3 Some months are better than others. It could be two
4 in a night, and then you won't get one for two months.

5 Q Have you ever gone for two months without
6 getting one?

7 A Not that I can recall; maybe a month.

8 Q While you were working?

9 A Yeah. There's times where you just don't
10 get any. A lot of people don't want to pay 140 for 15
11 minutes.

12 Q Can you recall when the last time you went
13 for a month without getting one was?

14 A I can't recall the exact date.

15 Q What's the club rule on leaving early?

16 A I didn't know there really was a rule. I
17 guess from what I recall you can't leave early.

18 Q Okay. You can't leave early?

19 A From what I recall, you can't leave early.
20 That's the rule. You're there from 9:00 o'clock to
21 2:30 or til when the club closes unless there's an
22 emergency. Matt makes it clear that once you're
23 there, he doesn't want you leaving.

24 Q And have you ever had an explanation for why
25 that is?

1 A I don't know if it was him saying or me just
2 coming up with it on my own, but I would think that
3 it's better for the business if you don't want a bunch
4 of dancers coming and going. So if I'm there and
5 somebody is asking for me, if somebody is saying, Hey,
6 where's Clint, and I've already left, there may be a
7 little confusion, upset customers.

8 Q Is there a rule about leaving the club with
9 a customer?

10 A There is a rule.

11 Q What is the rule?

12 A The rule is don't leave with a customer.

13 Q Why is that?

14 A Because it's looked at as prostitution, I
15 think.

16 Q Think about it from the other way. The rule
17 would discourage prostitution; right?

18 A The rule of discovery of prostitution?

19 Q No. The rule of not leaving with a customer
20 discourages prostitution; right?

21 A That's correct.

22 Q And might the rule about not leaving early
23 serve the same purpose?

24 MR. SELANDER: Objection; calls for
25 speculation. Go ahead.

1 A Yes.

2 BY MR. SCHLANGER:

3 Q Are you allowed to drink at work?

4 A We are.

5 Q And does the bartender charge you for your
6 drinks?

7 A He does.

8 Q Full price?

9 A Not always.

10 Q How much of a discount do you get?

11 A I don't drink very much, so sometimes you
12 pay full price. Depends on the bartender. Sometimes
13 you might just give them five bucks as a tip, and he
14 makes you a drink. I think that's because I drink so
15 rarely. I can't speak for other dancers. I don't
16 know how other dancers are priced or charged.

17 Q Why did you decide to sue C.B. Jones and the
18 club?

19 A Because I felt that all the fees that we
20 were getting charged for, I could understand some of
21 the fees, but the late charge, you know, I've been
22 there seven and a half years. I felt like after four
23 years, you put in the time. I had made a comment to
24 Matt saying that I shouldn't, I don't think I should
25 have to pay late fees. They continued to pay me and

1 said, you know, sorry.

2 Some of the fees, I could understand, maybe
3 the \$25 house. But all the fees, there's nights when
4 you go in there, and you only make 60 bucks, and you
5 tip out all your money. You're working for free. All
6 the money goes to the owner and Matt.

7 I felt like we were paying all of his fees.
8 He could have paid his security guard. He could have
9 paid his doorman. He could have paid Matt a salary.
10 Instead we were paying all of those people to work
11 there, and I felt like when I added it up over the
12 years, just late fees alone, 60 bucks a night, times
13 three nights a week, times 52 weeks, adds up to a lot
14 of money. I wanted some of that money back.

15 Q How much did you earn at Richards in 2013?

16 A \$38,000.

17 Q And in '12?

18 A Right around there, 37,000.

19 Q And in 2011?

20 A I can't recall '11 to give you an exact
21 figure.

22 Q But it was about the same?

23 A It was in the thirties, I think it was. I'd
24 have to look at my taxes.

25 MR. SCHLANGER: I've got nothing further at

1 the moment.

2 MR. SELANDER: No questions. We will read
3 and sign.

4 THE VIDEOGRAPHER: We are off video.

5 (Deposition concluded at 10:05 a.m.)

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1 C E R T I F I C A T E
2

3 G E O R G I A:

4 COBB COUNTY:

5

6 I hereby certify that the foregoing
7 deposition was taken down, as stated in the
8 caption, and the questions and the answers
9 thereto were reduced to typewriting under my
10 direction; that the foregoing pages 1 through
11 39 represent a true and correct transcript of
12 the evidence given upon said hearing, and I
13 further certify that I am not of kin or
14 counsel to the parties in the case; am not in
15 the regular employ of counsel for any of said
16 parties; nor am I in any way interested in the
17 result of said case.

18

This, the 8th day of September 2014.

19

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21

ALICE S. DAVIS, CCR, B-1593
My Commission Expires: 3/31/15

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DISCLOSURE

STATE OF GEORGIA
COUNTY OF COBB

DEONENT: CLINTON HENDERSON
DATE OF DEPOSITION: August 22, 2014

Pursuant to Article 10.0B of the Rules and
Regulations of the Board of Court Reporting of the
Judicial Council of Georgia, I make the following
disclosure:

I am a Georgia Certified Court Reporter.

I am not disqualified for a relationship of interest under the provisions of O.C.G.A. Section 9-11-28(c).

REPORTING I am here as a representative of THOMPSON
SERVICES, INC.

THOMPSON REPORTING SERVICES, INC., was contacted by the offices of Schulten, Ward & Turner, LLP, to provide court reporting services for this deposition.

THOMPSON REPORTING SERVICES, INC., will not
be taking this deposition under any contract that is
prohibited by Georgia law.

Alice S. Davis, CCR-B-1593
Certified Court Reporter
Date: September 8, 2014